Docket No.: 63005 (70551)

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Tetsuo SAEKI

Application No.: Not Yet Assigned

Confirmation No.: N/A

Filed: Herewith

Art Unit: Not Yet Assigned

For:

DEVICE FOR EXCITING SURFACE

PLASMONS, AND MICROSCOPE

INCLUDING THE DEVICE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee' service under 37 CFR 1.10 (Express Mail Label No: **EV 492341211 US**), and is addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on March 3, 2005.

Kathryn A. Grindrod

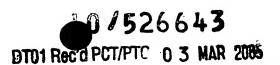
Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

1	<u>COPIES</u>	
	a. <u>X</u>	Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
	b	This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No, filed on The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.
II.		EXPLANATION OF THE RELEVANCE ck at least one box)
	aX	Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
	b. <u>X</u>	A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows: See English language Abstracts attached to all except one (i.e., document BA) of the Japanese language documents cited and provided herewith.
	c. <u>X</u>	The following additional information is provided for the Examiner's consideration:
		Japanese Publication No. JP 1-138443 (Item BA) corresponds to US Patent No. 4,997,278 (Item AA)

FEES

III.	THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b) (check one box)			
	a	within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.		
	b. <u>X</u>	within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.		
	C	before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).		
IV.	THIS IDS IS (check or	BEING FILED UNDER 37 C.F.R. § 1.97(c): ne box)		
	before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).			
	a	No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).		
		OR		
	b	See the certification below. No fee is required.		





V. <u>STATEMENT UNDER 37 C.F.R. § 1.97(e)</u> (check only one box)

The undersigned hereby states that each item of information contained in the IDS was cited in a a. ____ communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. Some of the items of information were cited in a communication C. ____ from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.



	Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.
_ X	No fee is required.
any reason a excess fee p Deposit Acco	Applicant believes that additional fees beyond those submitted herewith red in connection with the consideration of this submission. However, if for a further fee is required, a fee paid is inadequate or a credit is owed for any aid, you are hereby authorized and requested to charge and/or credit ount No. 04-1105, as necessary, for the correct payment of all fees which in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. **04-1105**.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 63005 (70551). A duplicate copy of this paper is enclosed.

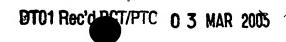
Dated: March 3, 2005 Respectfully submitted,

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PTO/SB/08a/b (08-03)
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Substitute for form 1449A/B/PTO				Complete if Known		
INFORMATION DISCLOSURE				Application Number	Not Yet Assigned 26645	
				Filing Date	Concurrently Herewith	
STATEMENT BY APPLICANT			APPLICANT	First Named Inventor	Tetsuo Saiki	
				Art Unit	Not Yet Assigned	
(Use as many sheets as necessary)				Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	63005(70551)	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1				Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	AA	US-4,997,278	03-05-1991	Martin F. Finlan, et al.		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
<u> </u>	BA	JP-1-138443	05-31-1989			
	BB	JP-05-240787	09-17-1993			1
	ВС	JP 06-167443	06-14-1994			1
	BD	JP 2001-311685	11-09-2001			1

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	NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	CA	Takayuki OKAMOTO, et al., "Surface plasmon microscope with electronic angular scanning", RIKEN Review No. 1, (April 1993), Focused on Light Science and Technology, pp. 17-18		

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1Applicant's unique citation designation number (optional). 2Applicant is to place a check mark here if English language Translation is attached.

Examiner	Date	
Signature	Considered	
470,000		***